

## Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 /026 W

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R 202231Z MAY 75

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 6498

INFO AMEMBASSY LONDON

AMEMBASSY OSLO

AMEMBASSY SANTIAGO

MISSION GENEVA 722

USMISSION NATO

USMISSION UN

C O N F I D E N T I A L OTTAWA 1891

EXDIS

E.O. 11652: GDS

TAGS: PLOS, CA

SUBJ: CANADIAN LOS POSITION

REF: GENEVA 3409; OTTAWA 1844

1. EMBOFFS DISCUSSED GENEVA CONFERENCE MAY 15 WITH PAUL LAPOINTE, EXTAFF COORDINATOR FOR LOS. IN GENERAL, LAPOINTE SEEMED TO REFLECT SATISFIED ATTITUDE OF CANADIANS RE LOS CONFERENCE. FINAL UNIFIED TEXT IS ONE WHICH THEY APPARENTLY ARE NOT UNHAPPY ABOUT, AND THEY ARE POSSIBLY PREPARED TO LIVE WITH MOST GENERAL PROVISIONS OF TEXT. WHEN ASKED IF THAT INCLUDED SUCH THINGSS AS LANGUAGE ON STRAITS, HE INDICATED THE AFFIRMATIVE. LAPOINTE VOLUNTEERED THAT THERE HAD BEEN DIFFERENCES WITH THE US ON THE SUBJECT, BUT GHOUGHT THAT THESE HAD BEEN WORKED OUT SATISFACTORILY. IT WAS EVIDENT THAT CANADIANS ARE WORRIED ABOUT HEAD HARBOR PASSAGE, AND ARE NOT HAPPY THAT LANGUAGE IN UNIFIED TEXT MAY NOT BE GOOD FOR THEIR POSITION ON THAT WATERWAY, BUT HE ALSO INDICATED THAT PERHAPS CANADIANS WOULD PREFER, IF US AGREES, TO DEAL WITH THE MATTER AS A BILATERAL ISSUE AND NOT PRESS IT AT LOS. AT THE HEART OF THEIR PROBLEM WITH HEAD HARBOR PASSAGE, HE SAID, IS "THAT WE SIMPLY DO  
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NOT WANT SUPERTANKERS ENTERING THOSE INTERNAL WATERS."

2. REFERRING TO NORTHWEST PASSAGE, LAPOINTE IMPLIED THAT PERHAPS THERE HAD BEEN A MISUNDERSTANDING RE DEFINITIONS, AND THAT CANADIANS HAD THOUGHT TEXT SUBMITTED BY BRITISH WAS NOT CONSISTENT WITH LANGUAGE THEY THOUGHT US WOULD SUPPORT AS RESULT OF MEETING IN OTTAWA. HOWEVER, HE ALSO INDICATED THAT HE THOUGHT SOLUTION PROPOSED BY AMBASSADOR MOORE (PARA 7, GENEVA REFTEL) PROVIDED A WAY OUT OF PROBLEM. IN ANY EVENT, EMBOFFS HAD IMPRESSION THAT CANADIANS, HAVING MADE THEIR POINTS, MIGHT BE WILLING TO DROP OPPOSITION TO STRAITS LANGUAGE IN UNIFIED TEXT.

COMMENT: THIS SUGGESTS THAT ANY ACTION AT THIS POINT MIGHT BE COUNTER-PRODUCTIVE AND THAT PERHAPS NEXT EVENSEN GROUP MEETING MIGHT BE TIME TO GAUGE WHETHER ANY FURTHER ACTION IS NECESSARY. IT IS OBVIOUS CANADIANS ARE IN PROCESS DIGESTING TEXT AND PERHAPS PRESSURE AT THIS TIME MAY RAISE HACKLES UNNECESSSARILY.

3. RE UNILATERAL ACTION, LAPOINTE WAS OFNCIEW THAT US WOULD BE LEADERS; IF US ACTS UNILATERALLY, CANADA WOULD HAVE TO FOLLOW SUIT. HE PERSONALLY MUCH OPPOSED TO UNILATERAL ACTION. STATING THAT IN HISTORY OF FISHERIES DISPUTES, UNILATERAL ACTION AND USE OF FORCE HAS NEVER SUCCEEDED WELL. "WHAT ARE YOU GOING TO DO, BLAST A SOVIET VESSEL OUT OF THE WATER FOR HAVING A FEW EXTRA FISH IN ITS HOLD?" HE ASKED. (HE ALSO CITED STORY THAT LAST CHECK OF FISHING VESSELS OFF CANADIAN COAST REVEALED NO SOVIET VIOLATION. TWO SPANISH VIOLATIONS, AND 22 CANADIAN VIOLATIONS). COOPERATION WAS ESSENTIAL AND AS A RESULT HE WAS ANCIOUS TO SEE WHAT WAS GOING TO HAPPEN AT JUNE ICNAF MEETING. EVEN MORE PROBLEMATIC, HE SAID, WAS THE POSSIBILITY OF UNILATERAL ACTION ON DEEP SEABEDS WHICH SHOULD DEFINITELY BE AVOIDED. AT LEAST, HE HOPED THAT US, CANADA AND MEXICO MIGHT PERHAPS PRODUCE A JOINT DECLARATION ON FISHERIES SO THAT AT LEAST THESE THREE COUNTRIES MIGHT WORK TOGETHER.

4. COMMENT: IN REFERENCE TO BOTH HEAD HARBOR AND NORTHWEST PASSAGES, LAPOINTE SUGGESTED THAT PERHAPS BEST WAY TO PROCEED IS TO ACCEPT STRAITS LANGUAGE OF CONFIDENTIAL

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UNIFIED TEXT OF PURPOSE OF CONCLUDING LOS, AND THEN DEAL WITH US/CANADIAN DIFFERENCES THROUGH BILATERAL NEGOTIATIONS. THIS SUGGESTION COULD STEM FROM CANADIAN FEELING THAT THEY MORE LIKELY SECURE CONCESSIONS FROM US BILATERALLY SINCE, INTER ALIA, BILATERAL CONTEXT WOULD PROVIDE GREATER SCOPE FOR US DOMESTIC ELEMENTS FAVORABLE TO CANADIAN POSITIONS TO BRING PRESSURE TO BEAR (E.G., ENVIRONMENTALISTS). CANADIANS MAY ADDITIONALLY OR

ALTERNATIVELY FEEL THAT US MIGHT BE MORE WILLING MAKE  
BILATERAL CONCESSIONS TO CANADA OUTSIDE LOS FORUM ON  
ASSUMPTION THAT SUCH EXTRA-LOS AGREEMENT WOULD NOT ESTABLISH  
LEGAL PRECEDENTS APPLICABLE TO DETRIMENT US INTERESTS IN  
OTHER WORLD STRAITS. IN EITHER CASE, GOC WOULD BE LIKELY  
TO CONTEND THAT US AGREEMENT NOT TO RAISE BILATERAL  
CONSIDERATIONS IN LOS NEGOTIATIONS IN EXCHANGE FOR GOC  
AGREEMENT TO UNIFIED TEXT STRAITS LANGUAGE CARRIED RECIPROCAL  
OBLIGATION ON US NOT TO INVOKE LOS AGREED PRINCIPLES WHEN  
DEALING WITH BILATERAL MATTERS. THIS, OF COURSE, WOULD  
REPRESENT WAIVER BY US OF STRONGEST POINT IN OUR  
FAVOR WITH RESPECT TO HEAD HARBOR PASSAGE. QUESTION  
SEEMS TO BE WHETHER WE WERE PREPARED TO PAY THAT PRICE  
FOR CANADIAN SUPPORT ON STRAITS LANGUAGE IN LOS.  
PORTER

NOTE BY OC/T: EXDIS CAPTION ADDED PER S/S-O, MR. JOHNSON.

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NNN

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